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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,646	10/15/2003	Thomas Frederick Hafer	123-001	5002

26542 7590 03/08/2006

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EXAMINER

SWENSON, BRIAN L

ART UNIT PAPER NUMBER

3618

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/685,646	HAFER, THOMAS FREDERICK	
	Examiner	Art Unit	
	Brian Swenson	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-16 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) 9-13,16,18,19,26,30 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,14,15,20-25,27-29 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 30-31 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species V, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 31 August 2005.

### ***Response to Amendment***

2. Applicant's amendment filed 20 December 2005, has overcome the rejection of the claims. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as disclosed below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 29 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,857,653 issued to Wilson.

Wilson teaches in Figures 1-12 and respective portions of the specification of a device for skiing comprising a ski comprising a ski (20) having a first side, a bottom surface (Figure 6), and a bent plate (30), the bottom surface having a first edge on said first side (22), said bent late comprising a first outrigger edge (32; See Figure 6) on said

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first side, wherein said first outrigger edge extends from said ski spaced parallel from said first side (Figure 6), wherein when the bottom surface is facing down, the first outrigger edge is higher than the bottom side (Figure 6).

In regards to claim 32, Wilson shows the bent plate extends on both lateral sides of the ski, and ski binding.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 5-8, 14-15, 20-25 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,857,653 issued to Wilson in view of U.S. Patent No. 4,906,016 issued to Varan et al.

Wilson teaches in Figures 1-12 and respective portions of the specification of a device for skiing, comprising a ski (20) having a first side, a bottom surface (Figure 6), and a bent plate (30), the bottom surface having a first edge on said first side (22), said bent late comprising a first outrigger edge (32; See Figure 6) on said first side, wherein said first outrigger edge extends from said ski spaced parallel from said first side (Figure 6), wherein when the bottom surface is facing down, the first outrigger edge is higher than the bottom side (Figure 6).

Wilson discloses the claimed invention except for showing an edge portion that is serrated.

Varan et al. teach in Figure 5 of placing a serrated edge (53). It would have been obvious to one having ordinary skill in the art at the time of invention to place a serration, as taught by Varan et al., on the outrigger edge taught by Wilson. One would be motivated to place a serration in the invention taught by Varan et al. to improve the bite of the side edges when the ski is angularly displaced, helping to facilitating skier's attempt to pin the ski into the snow when making a turn, an objective disclosed by Varan et al. in Col. 1, lines 47-54.

In regards to claims 2, 6 and 8, see Figures 7 and 8 of Wilson.

In regards to claims 5 and 7, the plate is removable by fasteners (35).

In regards to claim 15, See Figure 1 of Wilson where bent plates are shown at locations (30).

In regards to claims 20-25, Wilson shows a second side opposite the first side for both the ski and outrigger edges; the second side is symmetrical with the first side; the second edge is parallel with first edge; see at least Figures 6-8.

In regards to claims 27 and 28, Wilson shows, the method of using the ski with the outrigger, provided on a plate and having edges, and the method of fabricating the outrigger edges is inherent from the apparatus taught by Wilson and as modified by Varan et al. Under the principles of inherency, if a structure in the prior art necessarily functions in accordance with the limitations of a process or method claim of an application, the claim is anticipated. Additionally, see Figure 1, of Wilson, where the bent plate (30) is located adjacent a binding portion.

**Conclusion**

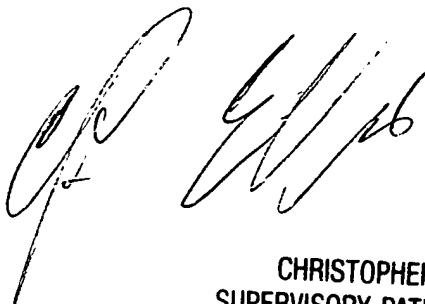
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (571) 272-6699. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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bls

Brian Swenson  
Examiner  
Art Unit 3618



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